

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.14378 of 2017

Date of decision:07.07.2017

Balinder & others

....Petitioners

Versus

State of Haryana & others

...Respondents

CORAM: HON'BLE MR. JUSTICE G.S.SANDHAWALIA

Present: Mr.Ram Niwas Sharma, Advocate, for the petitioners.

G.S. SANDHAWALIA, J. (Oral)

The petitioners, who are 12 in number and working as Assistant Linemen/Lower Division Clerk with the respondent-Nigam, seek quashing of the order dated 04.09.2014 (Annexure P-7) whereby their wages have been reduced from Rs.13,660/- to Rs.9,900/- and they have been paid reduced wages from July, 2014 to July, 2016. Further prayer has been made for release of the arrears of difference between the due and drawn of wages since July, 2014 to July, 2016 to the petitioners along with interest @ 18% per annum as their wages had been reduced illegally and arbitrarily.

Counsel for the petitioner, at the outset, very fairly submits that the first prayer, as such, regarding quashing of the order dated 04.09.2014 does not subsist any more and the only issue left is that the arrears between July, 2014 to July, 2016 are required to be paid by the respondent-Nigam. It is submitted that this Court had occasion to deal with the said issue in CWP-22428-2014 titled *Rajesh Kumar & others Vs. State of Haryana & others*, decided on 13.05.2016 (Annexure P8) whereby a direction had been issued to make payment of salaries as per clarifications issued by the Labour Department and by the General Administration Department, Haryana and that no contractual employee should be paid less than the minimum wages. Similar issue also came up in CWP-7086-2015 titled *Kuldeep Singh & others*

Vs. Dakshin Haryana Bijli Vitran Nigam & others, decided on 13.01.2017 (Annexure P9) wherein the order dated 04.09.2014, vide which the salaries had been reduced from Rs.13,660/- to Rs.9,840/-, were set aside and direction had been issued to pay the same at a higher level and the difference of pay was also directed to be released. Relevant part of the order reads as under:

“3.) On the other hand, learned counsel for the respondents fairly submitted that the petitioners are entitled to wages @ ₹13,660/- having regard to the decision of this Court and Supreme Court. Having regard to the above facts and circumstances, Annexure P-11 is set aside. The respondents are directed to pay the wages to the petitioners @ ₹ 13,660/- from the date the same has been reduced to ₹ 9,840/-. The difference of pay shall be released to the petitioners within a period of four months from today. The respondents are also directed to extend the benefit of minimum pay scale attached to the post of Assistant Lineman to the petitioners having regard to the decision of the Apex Court cited supra. Such exercise shall be taken by the respondents within a period of four months from today.

4.) Petitions stands disposed of.”

Counsel for the petitioners has, accordingly, contended that a legal notice dated 10.04.2017 (Annexure P11) has duly been served upon the respondents, for the above necessary relief and it is also submitted that it has been clearly mentioned in the same that the benefit, as such, of higher pay-scale has already been granted and the wages have been revised but the arrears are still due, which issue has been raised in the legal notice.

He further draws the attention of this Court to the instructions dated 17.08.2016 (Annexure P10), issued by the Chief Secretary to

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Government, Haryana, to the Heads of Departments, Boards and Corporations, that immediate steps shall be taken to ensure that all representations/notices are decided by the competent authorities by passing a speaking order, to avoid undesirable litigation, giving cogent reasons.

Accordingly, keeping in view the above and the fact that a legal notice dated 10.04.2017 (Annexure P11) has been served upon the respondents and therefore, respondent No.2 is bound to give effect to the benefits to be granted to all similarly situated employees. Accordingly, the present writ petition is disposed of, with the direction that the said respondent shall decide the legal notice within a period of 4 weeks from the receipt of a certified copy of this order. Necessary refunds be, accordingly, made within a period of 2 months, thereafter. In case any adverse order is to be passed, then a detail reasoned order be passed and communicated to the petitioners, as on what ground they are to be singled out.

07.07.2017
Sailesh

(G.S. SANDHAWALIA)
JUDGE

Whether speaking/reasoned: *Yes/No*

Whether Reportable: *Yes/No*